

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

I. Telephone interview of March 5, 2010

The Examiner telephoned Applicant's undersigned representative on March 5, 2010, indicating that the claims would be in condition for immediate allowance if Applicant was willing to file an RCE that (a) cancelled the withdrawn claims and (b) amend claim 43 to recite that the binding of an antibody to human interleukin-6 receptor blocks binding of IL-6 to the IL-6 receptor. This communication is made consistent with the Examiner's proposal, to expedite allowance of the present claims.

II. Status of the claims

Claims 20, 21 and 44 were previously cancelled. Claims 1-19 and 22-42 were previously withdrawn, and are now cancelled to expedite allowance. Claim 43 is amended in accordance with the Examiner's suggestion. No new matter is added. This amendment is made solely to advance prosecution and not in acquiescence to any rejection.

After the foregoing amendments, independent claim 43 and dependent claims 45-47 are pending. It is believed that all claims are now allowable. Applicant respectfully seeks early confirmation of same.


CONCLUSION

Examiner Mertz is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 19, 2010

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4726
Facsimile: (202) 672-5399

Simon J. Elliott
Attorney for Applicant
Registration No. 54,083